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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,278	08/08/2001	Subhasish Mitra	S00-086	2679

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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
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EXAMINER

DILDINE JR, R STEPHEN

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 06/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,278

Applicant(s)

MITRA ET AL.

Examiner

R. Stephen Dildine

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2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52-59 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 9, 11-14, 17-20, 22, 24, 26, 28-31, 34-37, 39, 41, 43, 45-48 and 51 is/are rejected.
- 7) ☐ Claim(s) 4, 6, 8, 10, 15, 16, 21, 23, 25, 27, 32, 33, 38, 40, 42, 44, 49 and 50 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/08/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Figures 1,2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 9, 11-14, 17-20, 22, 24, 26, 28-31, 34-37, 39, 41, 43, 45-48 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Bouricius et al. Applicants' claims 1, 18 and 35 recite "a redundant system with n modules" (logic modules LM1 – LMn in Fig. 1 of Bouricius et al.) "wherein each of said n modules generates a word output" (B₁, B₂ and B₃ via the reconfiguration network RN in Fig. 1 of Bouricius et al.) "a word voter" (D12, D13 and D23 in Fig. 6 of Bouricius et al.) "receiving said word output from each of said n modules" (B₁, B₂ and B₃ via the reconfiguration network RN in Fig. 1 of Bouricius et al.) and "a voter decision generated by said word voter utilizing a word basis of said word output of each of said n modules" (decision logic means of Fig. 8 of Bouricius et al.) wherein "said word voter is based on a majority voting principle" (claims 2, 19 and 36) and wherein "said word output comprises two or more bits" (claim 3, 20 and 37) (6 bits are shown in Fig. 6 of the reference) and wherein "wherein said word voter comprises exact matching" (claim 5, 22 and 39) and "further comprising an error signal when not a majority of modules in said n modules generates a same word output" (claim 7, 24 and 41) (column 3, lines 9-12 of the reference states "Any discrepancy among the three output busses B.sub.1, B.sub.2 and B.sub.3 is detected by the discriminators D12, D13 and D23, and for any divergence they generate a signal which is fed into the decision logic block") "wherein an entire word of said word output is considered by said word voter" (claim 9, 26 and 43) (see Fig. 1 and Fig. 6 of Bouricius et al.) "wherein said redundant system is a circuitry system" (claim 11, 28 and 45) and "wherein said circuitry system comprises a logical circuitry module" (claim 12, 29 and 46) "wherein said redundant system comprises a data or signal processing module" (claim 13, 30 and, 47) (column 3, lines 46-47 of Bouricius et al. states "a logic module which may contain an arbitrary amount of logic") "wherein said redundant system is a triple modular redundancy system and said n equals 3" (claim 14, 31 and 48) "wherein said n modules have same implementations with a same functionality" (claim 17, 34 and 51).

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Claims 4, 6, 8, 10, 15-16, 21, 23, 25, 27, 32-33, 38, 40, 42, 44, and 49-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 52-59 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicants' prior publications related to their claimed invention are cited, Parhami is cited because this reference, in part 3, starting on page 386 has a discussion of word voting networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Stephen Dildine whose telephone number is 703-305-5524. The examiner can normally be reached on M, Tu, Th, F 5:55 am to 4:25 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Stephen Dildine

R. Stephen Dildine
Primary Examiner
Art Unit 2133